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Mr. Frank Nyhan
State Solicitor Cork City
Phoenix House Monahan
Monahan Road Cork T12 H1XY
T12 H1XY Cork
IRLAND
Ihre Empfängeradresse muss innerhalb dieser Box stehen

Der Gedanke legt der Grund fúr die Tat

Das Gewaltmonopol des Staates (vgl. Schmidt-Aßmann, in: Isensee/Kirchhof, HStR II, 3. Aufl. 2004, § 26 Rn. 11, 71; Isensee, in: ders./Kirchhof, a.a.O., § 15 Rn. 86 ff.; E. Klein, in: Depenheuer/Grabenwarter, Verfassungstheorie, 2010, § 19 Rn. 14) ist deshalb ebenfalls als Teil der freiheitlichen demokratischen Grundordnung im Sinne des Art. 21 Abs. 2 Satz 1 GG anzusehen.", the systemic practice of self-investigation and self-exculpation by An Garda Síochána, whereby the State monopoly on the legitimate use of physical force is exercised without independent judicial oversight or control, together with the repeated obstruction of court access and the wilful failure to delegate prosecutorial functions in cases of clear conflict, constitutes a direct and qualified impairment of the rule-of-law element of the free democratic basic order, repugnant to the parallel guarantees contained in Article 34.1 and Article 40.3 of Bunreacht na hÉireann and in Articles 41 and 47 of the Charter of Fundamental Rights of the European Union, thereby rendering the continued inaction of the named respondents a constructive abandonment of their constitutional and treaty obligations.

Von: Derek O'Barróid <henry.joe.mccracken.1798@gmail.com>
Gesendet: Samstag, 21. Februar 2026 15:58
Bis: LK.LimerickCityNorth.CE@garda.ie <lk.limerickcitynorth.ce@garda.ie>; lk.limerickcitysouth.ce@garda.ie <lk.limerickcitysouth.ce@garda.ie>; LK.Crime@garda.ie <lk.crime@garda.ie>; commissioner@garda.ie <commissioner@garda.ie>; info@mawesolicitors.ie <info@mawesolicitors.ie>; bgill@powersolicitors.ie <bgill@powersolicitors.ie>; sek3@gsta.justiz.hessen.de <sek3@gsta.justiz.hessen.de>; st20-30-40.ppmh@polizei.hessen.de <st20-30-40.ppmh@polizei.hessen.de>; info@aislingcaseysolicitors.ie <info@aislingcaseysolicitors.ie>; mail@davidpeters.ie <mail@davidpeters.ie>; info@fitzpatricksols.ie <info@fitzpatricksols.ie>; frank@franknyhan.ie <frank@franknyhan.ie>; info@healycrowleysolrs.com <info@healycrowleysolrs.com>; willie.odea@oireachtas.ie <willie.odea@oireachtas.ie>; kieran.odonnell@oireachtas.ie <kieran.odonnell@oireachtas.ie>; maurice.quinlivan@oireachtas.ie <maurice.quinlivan@oireachtas.ie>; conor.sheehan@oireachtas.ie <conor.sheehan@oireachtas.ie>; niall.collins@oireachtas.ie <niall.collins@oireachtas.ie>; richard.odonoghue@oireachtas.ie <richard.odonoghue@oireachtas.ie>; patrick.odonovan@oireachtas.ie <patrick.odonovan@oireachtas.ie>; joe.cooney@oireachtas.ie <joe.cooney@oireachtas.ie>; cathal.crowe@oireachtas.ie <cathal.crowe@oireachtas.ie>; timmy.dooley@oireachtas.ie <timmy.dooley@oireachtas.ie>; donna.mcgettigan@oireachtas.ie <donna.mcgettigan@oireachtas.ie>; seamus.healy@oireachtas.ie <seamus.healy@oireachtas.ie>; mattie.mcgrath@oireachtas.ie <mattie.mcgrath@oireachtas.ie>; michael.murphy@oireachtas.ie <michael.murphy@oireachtas.ie>; alan.kelly@oireachtas.ie <alan.kelly@oireachtas.ie>; jackie.cahill@oireachtas.ie <jackie.cahill@oireachtas.ie>; michael.lowry@oireachtas.ie <michael.lowry@oireachtas.ie>; pat.buckley@oireachtas.ie <pat.buckley@oireachtas.ie>; noel.mccarthy@oireachtas.ie <noel.mccarthy@oireachtas.ie>; james.oconnor@oireachtas.ie <james.oconnor@oireachtas.ie>; liam.quaide@oireachtas.ie <liam.quaide@oireachtas.ie>; colm.burke@oireachtas.ie <colm.burke@oireachtas.ie>; aindrias.moynihan@oireachtas.ie <aindrias.moynihan@oireachtas.ie>; jerry.buttimer@oireachtas.ie <jerry.buttimer@oireachtas.ie>; micheal.martin@oireachtas.ie <micheal.martin@oireachtas.ie>; seamus.mcgrath@oireachtas.ie <seamus.mcgrath@oireachtas.ie>; donnchadh.olaoghaire@oireachtas.ie <donnchadh.olaoghaire@oireachtas.ie>; padraig.rice@oireachtas.ie <padraig.rice@oireachtas.ie>; michael.collins@oireachtas.ie <michael.collins@oireachtas.ie>; holly.cairns@oireachtas.ie <holly.cairns@oireachtas.ie>; christopher.osullivan@oireachtas.ie <christopher.osullivan@oireachtas.ie>; Dee Ryan <dee.ryan@oireachtas.ie>; garret.ahearn@oireachtas.ie <garret.ahearn@oireachtas.ie>; eileen.lynch@oireachtas.ie <eileen.lynch@oireachtas.ie>; martin.conway@oireachtas.ie <martin.conway@oireachtas.ie>; Jim O'Callaghan <jim.ocallaghan@oireachtas.ie>; simon.harris@oireachtas.ie <simon.harris@oireachtas.ie>; Limerick Court Office <limerickcourtoffice@courts.ie>; highcourtcentraloffice@courts.ie <highcourtcentraloffice@courts.ie>; SupremeCourt@courts.ie <supremecourt@courts.ie>; bverfg@bundesverfassungsgericht.de <bverfg@bundesverfassungsgericht.de>; roberta.metsola@europarl.europa.eu <roberta.metsola@europarl.europa.eu>; Presidents info <info@president.ie>; info@stk.hessen.de <info@stk.hessen.de>; bundespraesidialamt@bpra.bund.de <bundespraesidialamt@bpra.bund.de>
Betreff: WG: Mr.Willie O'Dea TD, friends, and Their constructive abandoment of duty.

Meine Lieben,

WHEREAS, pursuant to the authoritative ratio decidendi of the Bundesverfassungsgericht in its judgment of 17 January 2017 (2 BvB 1/13), “Schließlich ist der Grundsatz der Rechtsstaatlichkeit unverzichtbarer Teil der freiheitlichen demokratischen Grundordnung im Sinne von Art. 21 Abs. 2 Satz 1 GG. Er zielt auf die Bindung und Begrenzung öffentlicher Gewalt zum Schutz individueller Freiheit (vgl. Schulze-Fielitz, in: Dreier, GG, Bd.2, 3. Aufl. 2015, Art. 20 [Rechtsstaat] Rn. 38) und ist durch eine Vielzahl einzelner Elemente geprägt, die in Art. 20 Abs. 2 Satz 2 und Abs. 3 GG nur teilweise normativ verankert sind (vgl. Sachs, in: ders., GG, 7. Aufl. 2014, Art. 20 Rn. 77; Schulze-Fielitz, a.a.O., Art. 20 [Rechtsstaat] Rn. 40).

Für den Begriff der freiheitlichen demokratischen Grundordnung sind dabei die Rechtsbindung der öffentlichen Gewalt (Art. 20 Abs. 3 GG) und die Kontrolle dieser Bindung durch unabhängige Gerichte bestimmend. Zugleich erfordert der Schutz der Freiheit des Einzelnen, dass die Anwendung physischer Gewalt den gebundenen und gerichtlicher Kontrolle unterliegenden staatlichen Organen vorbehalten ist.

Das Gewaltmonopol des Staates (vgl. Schmidt-Aßmann, in: Isensee/Kirchhof, HStR II, 3. Aufl. 2004, § 26 Rn. 11, 71; Isensee, in: ders./Kirchhof, a.a.O., § 15 Rn. 86 ff.; E. Klein, in: Depenheuer/Grabenwarter, Verfassungstheorie, 2010, § 19 Rn. 14) ist deshalb ebenfalls als Teil der freiheitlichen demokratischen Grundordnung im Sinne des Art. 21 Abs. 2 Satz 1 GG anzusehen.”, the systemic practice of self-investigation and self-exculpation by An Garda Síochána, whereby the State monopoly on the legitimate use of physical force is exercised without independent judicial oversight or control, together with the repeated obstruction of court access and the wilful failure to delegate prosecutorial functions in cases of clear conflict, constitutes a direct and qualified impairment of the rule-of-law element of the free democratic basic order, repugnant to the parallel guarantees contained in Article 34.1 and Article 40.3 of Bunreacht na hÉireann and in Articles 41 and 47 of the Charter of Fundamental Rights of the European Union, thereby rendering the continued inaction of the named respondents a constructive abandonment of their constitutional and treaty obligations.

Executive Authorities,

Mr. Frank Nyhan, State Solicitor, Cork City

WHEREAS by section 2(5) of the Prosecution of Offences Act, 1974, the Director is required to act independently, and **WHEREAS** by section 3(1) he must exercise all functions formerly belonging to the Attorney General, including the direction of prosecutions, and **WHEREAS** the Garda Síochána, pursuant to section 7(1)(f) of the Garda Síochána Act, 2005, is under a statutory duty to investigate crime, and **WHEREAS** no delegation has issued notwithstanding that the investigating body is itself respondent, and **WHEREAS** the practice of self-investigation, self-review and self-exculpation is repugnant to Article 6 ECHR, Article 47 Charter, and Article 34 Bunreacht na hÉireann, and **WHEREAS** Limerick District Court clerks have refused to accept filings, judges have asserted ultra vires and vacated the bench, and superintendents have referred complaints back to the self-same division, **WHEREAS** the Treaty of Limerick, sealed in sixteen ninety-one, was shattered before the ink dried, precisely as today's writ is shattered before the docket is stamped, **WHEREAS** at Fontenoy in seventeen forty-five the Irish Brigade, crying "Remember Limerick and the perfidy of the Saxons", charged the English line and saved France, **WHEREAS** that cry now echoes in Limerick's streets not against redcoats but against blue shirts who patrol as protectors yet batter as jailers, **WHEREAS** the citizen who once killed and bombed for liberty finds the State he defended has become the very garrison he fled, makes him a murderer of dead soldery, the applicant hereby puts you on notice that any continued omission to appoint an independent solicitor will be pleaded as ratification of systemic dereliction and will constitute his joinder as respondent.

In the event of your failure to act, as anticipated, you will be joined as respondent and held to the full rigors of law, including section 41 of the Criminal Justice Act 1994 (witness protection), section 2(5) of the Prosecution of Offences Act 1974 (duty to investigate), and Article 40.3 of Bunreacht na hÉireann (constitutional duty to vindicate rights and reply to petitions) – having been served by email to your official office address and by post.
This letter constitutes formal pre-action notice. Failure to appoint an independent solicitor will be pleaded as ratification of systemic dereliction and may lead to your joinder as respondent.

Applicant:

Derek O'Barróid Address: Am Weidebaum, Bóthar na Duga, Luimneach, Éire
Passport: PU 2856758 Passport Card: C27040698 Date of Birth: 09/03/1968

Das Waldfeld 1, 60433, Frankfurt am Main, HESSEN

Respondents:

1. Deputy Willie O'Dea, TD (Limerick City, FF)
2. Deputy Kieran O'Donnell, TD (Limerick City, FG)
3. Deputy Maurice Quinlivan, TD (Limerick City, SF)
4. Deputy Conor Sheehan, TD (Limerick City, Labour)
5. Deputy Niall Collins, TD (Limerick County, FF)
6. Deputy Richard O'Donoghue, TD (Limerick County, Ind Ireland)

7. Deputy Patrick O'Donovan, TD (Limerick County, FG)

8. Deputy Joe Cooney, TD (Clare, FG)
9. Deputy Cathal Crowe, TD (Clare, FF)
10. Deputy Timmy Dooley, TD (Clare, FF)
11. Deputy Donna McGettigan, TD (Clare, SF)

12. Deputy Seamus Healy, TD (Tipperary, IND)
13. Deputy Mattie McGrath, TD (Tipperary, IND)
14. Deputy Michael Murphy, TD (Tipperary, FG – 2024)
15. Deputy Alan Kelly, TD (Tipperary, Labour)
16. Deputy Jackie Cahill, TD (Tipperary, FF)
17. Deputy Michael Lowry, TD (Tipperary, IND)

18. Deputy Pat Buckley, TD (Cork East, SF)
19. Deputy Noel McCarthy, TD (Cork East, FG)
20. Deputy James O'Connor, TD (Cork East, FF)
21. Deputy Liam Quaide, TD (Cork East, SD)
22. Deputy Colm Burke, TD (Cork North-Central, FG)
23. Deputy Thomas Gould, TD (Cork North-Central, SF)
24. Deputy Aindrias Moynihan, TD (Cork North-West, FF)
25. Deputy John Paul O'Shea, TD (Cork North-West, FG)
26. Deputy Micheál Martin, TD (Cork South-Central, FF)
27. Deputy Jerry Buttimer, TD (Cork South-Central, FG)
28. Deputy Séamus McGrath, TD (Cork South-Central, FF)
29. Deputy Donnchadh Ó Laoghaire, TD (Cork South-Central, SF)
30. Deputy Pádraig Rice, TD (Cork South-Central, SD)
31. Deputy Michael Collins, TD (Cork South-West, Ind Ireland)
32. Deputy Holly Cairns, TD (Cork South-West, SD)
33. Deputy Christopher O'Sullivan, TD (Cork South-West, FF)

34. Senator Dee Ryan (Seanad Éireann, Taoiseach nominee – Limerick)
35. Senator Garret Ahearn (Seanad Éireann – Tipperary link)
36. Senator Eileen Lynch (Seanad Éireann – Cork)
37. Senator Martin Conway (Seanad Éireann, Administrative Panel – Clare proximity)

38. The Minister for Justice (Jim O'Callaghan, TD)
39. The Minister for Finance (Simon Harris, TD)

40. An Garda Síochána, Limerick Division – Chief Superintendent Mr. Derek Smart
41. The Garda Commissioner, Mr. Kelly

Local State Solicitors DePPs:

42. Pádraig Mawe – State Solicitor for Limerick City
43. Brendan Gill – State Solicitor for Limerick County
44. Aisling Casey – State Solicitor for Clare
45. David Peters – State Solicitor for Tipperary North
46. Paul Fitzpatrick – State Solicitor for Tipperary South
47. Frank Nyhan – State Solicitor for Cork City

48. Jeremiah Healy – State Solicitor for Cork North East & Cork West

20 Febuary 2026

I say:

In a democracy, only the emptying of a ballot box guarantees the position of a minister. No other competences are necessary. It is my duty as a democrat, as a republican, to expose the abject failures of these ballot-box empties. In the solemn execution of electoral duty, the officer empties the ballot box with all the gravity of a chamberlain emptying the privy, yet **WHEREAS** the latter rids the palace of its ordure, the former often preserves the stench, and multiplies it by statute.

Constructive abandonment of statutory duty by state actors within the European Union and its Member States, amounting to an arbitrary breach of contractual obligations enshrined in the Lisbon Treaty and the Charter of Fundamental Rights.

Namely:

- Article 1 Charter of Fundamental Rights – "Human dignity is inviolable."
- Article 3 TEU
- Article 67 TEU
- Article 41 Charter – "Every person has the right to good administration."
- Article 47 Charter – "Everyone is entitled to an effective remedy."
- Article 4(3) TEU – "Member States shall facilitate the achievement of the Union's tasks."
- Article 258 TFEU – infringement procedure.

In parallel with:

- Article 40 Bunreacht na hÉireann – "The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen."
- Article 1 Grundgesetz – "Die Würde des Menschen ist unantastbar."
- Article 3 Verfassung Hessen – "Leben und Gesundheit, Ehre und Würde des Menschen sind unantastbar."

The European Union, pursuant to Article 3 TEU and the Charter, has declared human dignity, fundamental rights and the rule of law to be irreducible core values.

In truth, the sole uniform standard across Member States is the repeated, arbitrary and expedient abdication of statutory function by public officials, a pattern of gedepperte Vollpfosten Willkür, selbstherrliche Leathceann and geballte Dämmlichkeit that contravenes every obligation the Union and its States have inked.

Mercosur overrides forty years of food-safety regulation. Wind-turbine policy mandates unrecyclable, unstorable infrastructure at unconscionable cost. The **1951 Refugee Convention**, ratified by every Member State and by the Federal Republic, is honoured only in breach: asylum must be sought directly; it is not. Economic migrants, not refugees, are

admitted, bringing cultures incompatible with local norms, sexual violence against women, and the effective nullification of integration duties.

In the absence of any legal directive under Article 42A of Bunreacht na hÉireann sanctioning a policy ambition to perpetuate consistent poverty among 3% of children, and notwithstanding the demonstrable absence of financial obstacles as affirmed by the State's fiscal surplus and reserves, such a target invites scrutiny of ulterior motives. This is accentuated by official statistics revealing that the average number of sexual offences reported in Ireland between 2019 and 2023 exceeded the European Union average by 43%, compelling consideration of whether leadership decisions are tainted by sexual perversion.

In the absence of a direct Supreme Court decision delineating the precise contours of human dignity in the context of subsistence minima or fiscal burdens, recourse must be had to the European Convention on Human Rights (ECHR), incorporated into Irish law by the European Convention on Human Rights Act 2003, as interpreted by the European Court of Human Rights (ECtHR) and applied in Irish jurisprudence. Article 3 ECHR prohibits inhuman or degrading treatment, which has been construed to encompass severe deprivation that undermines dignity, such as extreme poverty or destitution; Article 8 ECHR safeguards respect for private and family life, interpreted to include protection against arbitrary interference with personal autonomy and welfare, thereby implicating dignity in socio-economic matters.

The Irish Supreme Court, while not issuing a binding precedent solely on dignity's fiscal implications, has acknowledged the ECHR as a "living instrument" influencing constitutional interpretation under Articles 40.3 and 29 of Bunreacht na hÉireann, as exemplified in judicial discourse emphasizing evolving standards of prudence, justice, and charity to assure individual dignity and freedom.

From the latest data (2025/26 updates, adjusted for current year):

Minimum essential living costs for a single working-age adult (Vincentian MESL / Living Wage Technical Group):
- Up 5.8% in the past year.
- Rent drives most: +9.3% (~€20/week extra).
- Clothing costs actually fell slightly.
- Total minimum weekly costs for single adult: around €500–€600 (pre-tax, for basics + dignity). This supports the €15.40/hour Living Wage (full-time ≈ €600 gross weekly).

Rent (typical one-bed):
- National average: €1,700–€1,900/month (~€392–€438/week).
- Dublin: €2,000–€2,500/month (~€462–€577/week) for a basic one-bed.

Clothing & footwear (CSO Household Budget Survey 2022-2023, latest detailed):
- Average household weekly spend: ~€39 (3.9% of total €1,007 household weekly spend).
- Per person (rough, as households vary): €20–€30/week if scaled to single adult.
- Annual household spend on clothes/footwear rose 17.5% since 2015–16, but proportion fell over decades. Europeans average ~€772/year per capita on fashion (~€15/week).

Full single person baseline (Numbeo/Expatistan 2026 averages, excluding rent): ~€1,173/month (~€270/week) for food, transport, utilities, basics.

Add rent, and single person realistic minimum: €2,500–€3,500/month total (~€577–€808/week).

Declaration of Constructive Abandonment of Statutory Duty and Repugnancy to Constitutional Order

WHEREAS the State, pursuant to Article 40.3.1° of Bunreacht na hÉireann, undertakes to respect, defend and vindicate the personal rights of the citizen, including the inviolable dignity of the human person as affirmed in Article 1 of the Charter of Fundamental Rights of the European Union, incorporated by Article 29.4.1° of the Constitution;

WHEREAS this dignity mandates an untaxed existence minimum comprising **(1) sufficient nourishing food, (2) decent weather-appropriate clothing, (3) habitable warm accommodation, (4) hygiene and essential medical care, (5) meaningful social participation, (6) access to culture and leisure, and (7) opportunity for education and personal development**, as derived from the imperative of human dignity under the aforesaid provisions and analogous standards in European jurisprudence;

WHEREAS the tax credit system under section 461 of the Taxes Consolidation Act 1997 provides a mere €4,000 annual credits for a single person in 2026, reducing but not eliminating fiscal liability on subsistence earnings, such that a minimum wage worker at €14.15 per hour (39 hours weekly) grosses €551.85 but nets €487.52 after €33.45 income tax, €7.58 USC, and €23.30 PRSI, deductions amounting to €64.33 weekly, thereby taxing the very floor of dignity;

WHEREAS Central Statistics Office data (Household Budget Survey 2022–2023) and Vincentian Partnership MESL estimates confirm the weekly subsistence threshold for a single adult at €500–€600, with rent averaging €392–€438 nationally (€462–€577 in Dublin), clothing €20–€30, and non-rental basics €270, rendering the net €487.52 deficient and the imposition repugnant to dignity, as no citizen may be reduced below this untaxed minimum without breach;

WHEREAS the absence of Supreme Court precedent explicitly mandating an untaxed minimum does not absolve the State, as Article 3 of the European Convention on Human Rights (incorporated by the European Convention on Human Rights Act 2003) prohibits inhuman or degrading treatment, including fiscal deprivation undermining dignity, and Article 8 safeguards private life autonomy;

WHEREAS comparative standards, such as those in the German Grundgesetz Article 1 and Swiss Constitution Article 12 illustrate the repugnancy of taxing subsistence, and even prison cells under CPT guidelines afford 6–10 m² of dignified space untaxed, whilst citizens face taxed substandard housing;

WHEREAS this systemic failure constitutes constructive abandonment of statutory duty by the Government, as it wilfully permits the tax regime to erode dignity without reform, contrary to the social state principle in Article 45 of Bunreacht na hÉireann, amounting to a non-constitutional order and abject dereliction to the citizens' detriment;

IT IS DECLARED that the Government is in breach, and relief is sought by way of judicial review to mandate an untaxed existence minimum aligned with the seven-point dignity baseline.

WHEREAS the recurrent administrations of the State, pursuant to Article 45 Bunreacht na hÉireann, stand under an implied constitutional duty to fashion regulatory and infrastructural frameworks whereby the citizenry may secure adequate housing, yet have, quarter after quarter, tendered to the Houses of the Oireachtas statistical artefacts drawn upon data aged three years or more, thereby misrepresenting the trajectory of homelessness and completions;

WHEREAS the Department of Housing, Local Government & Heritage records, for December two thousand twenty-five, sixteen thousand seven hundred thirty-four persons in emergency accommodation, being eleven thousand five hundred forty-six adults and five thousand one hundred eighty-eight children, a figure twelve point six per cent higher than the corresponding month of two thousand twenty-four, constituting the most severe annual escalation since record-keeping commenced;

WHEREAS the Construction Industry Federation avers that the Irish building trades are capped at forty thousand dwelling-units per annum, whilst the Housing for All Plan two thousand twenty-five to two thousand thirty postulates three hundred thousand completions over five years, an arithmetic impossibility absent radical expansion of labour, material supply and planning velocity;

WHEREAS the Planning & Development Act two thousand ten, as amended, remains laden with archaic procedural hurdles and discretionary vetoes, retarding the grant of permissions to such degree that supply cannot match demand, in breach of the State's positive duty under Article 40.3 to vindicate the citizen's right to shelter;

WHEREAS the National Climate Change Adaptation Framework two thousand twenty-five, as required by section three of the Climate Action and Low Carbon Development Act two thousand fifteen, has failed to compel local authorities to retrofit drainage and flood-defence infrastructure commensurate with IPCC projections, resulting in recurrent inundations, most recently in Dublin and Waterford, which render land unbuildable and insurance uninsurable, thereby further throttling completions;

WHEREAS the Taoiseach, Mr.Martin TD, and his Cabinet have persisted in representing that "magic-wand" interventions may double output, notwithstanding that no empirical evidence supports such contention and that the State's own Central Bank forecasts completions at thirty-three thousand five hundred to forty thousand five hundred units per annum;

WHEREAS this concatenation of misfeasance, nonfeasance and ultra vires policy constitutes constructive abandonment of statutory duty, repugnant to Article 40.3.1° Bunreacht na hÉireann and Article 34 of the Charter of Fundamental Rights of the European Union (right to an effective remedy);

IT IS HEREBY DECLARED that the Government, in concert with each successive housing minister, has perpetrated a systemic dereliction of its constitutional mandate, warranting immediate judicial review and the imposition of mandatory timelines for legislative reform,

labour importation, and climate-proof infrastructure, failing which the Executive shall be deemed in contempt of the sovereign people's will.

WHEREAS the European Union, pursuant to Article 2 of the Treaty on European Union (as consolidated by the Treaty of Lisbon, 2007), is founded upon values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, values which are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail;

WHEREAS Article 67 of the Treaty on European Union establishes that the Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States, and shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals;

WHEREAS the principle of pacta sunt servanda, enshrined in Article 26 of the Vienna Convention on the Law of Treaties 1969, mandates that every treaty in force is binding upon the parties to it and must be performed by them in good faith, a principle binding upon the European Union and its Member States as customary international law and as reflected in Article 4(3) of the Treaty on European Union, requiring sincere cooperation;

WHEREAS the abject failure of the rule of law within the European Union, manifest in the persistent and systemic dereliction of Member States to uphold the aforesaid values and obligations, constitutes a repugnant breach of the Lisbon Treaty, as the Union's foundational compact, rendering the governance structures ultra vires and in constructive abandonment of their fiduciary duties to the citizens;

WHEREAS in 2007 the then Minister for Justice Michael McDowell inserted section 7(1)(f) into the Garda Síochána Act 2005, granting An Garda Síochána the statutory duty to investigate offences, yet in practice this provision has been construed to permit Gardaí to unilaterally determine who is a criminal and then vindicate that determination through internal self-investigation and self-exculpation, thereby absorbing the judicial function of guilt determination and rendering the courts redundant, in direct contravention of the democratic rule of law, the separation of powers, and Article 34.1 of Bunreacht na hÉireann;

WHEREAS the common good, as pledged in the Preamble of Bunreacht na hÉireann, and the brotherhood enjoined by Article 1 of the Universal Declaration of Human Rights, are thereby fractured, as the State stands idly by whilst neighbours endure wounds unredressed, in violation of the neighbour principle articulated in Donoghue v Stevenson [1932] AC 562 and applied in Irish jurisprudence such as Ward v McMaster [1988] I.R. 337, imposing a duty of care where foreseeability, proximity, and fairness so require;

WHEREAS no considerations negative or limit this duty in the face of systemic governmental incompetence, the applicant hereby prays that the Court declare the aforesaid breaches and issue summonses accordingly.

WHEREAS the rule of law, as enshrined in Article 34.1 of Bunreacht na hÉireann, mandates that justice shall be administered in courts established by law by judges appointed in the

manner provided by this Constitution, and shall be administered in public save in such special and limited cases as may be prescribed by law, yet has been progressively eroded through systemic failures in enforcement, investigation, and accountability, particularly by An Garda Síochána (policed in blue shirts) and the executive branch;

WHEREAS this erosion manifests in a narrowed plutocracy, whereby governance is dominated by sons and daughters of provincial elites who, having procured law degrees, perpetuate a cycle of impunity and self-preservation, as evinced by the persistent scandals within the justice system that strike at the core of the rule of law, including suppressed police corruption and undue influence in policy-making;

WHEREAS the European Court of Human Rights, in interpreting Article 3 of the European Convention on Human Rights, prohibits inhuman or degrading treatment, which encompasses systemic deprivations undermining dignity, and Article 8 safeguards private life autonomy, yet in Ireland, the rule of law has regressed in areas such as systemic human rights issues, anti-corruption frameworks, checks and balances, and the enabling environment for civil society, as reported by independent assessments;

WHEREAS legislative proposals, such as the Garda Síochána (Powers) Bill, empower Gardaí to seize journalistic materials, thereby diluting press freedom and criminalising accountability, constituting a deliberate assault on the rule of law's requirement for clarity, precision, and unambiguity in legislation, and facilitating a plutocratic control policed by blue shirts;

WHEREAS the Law Reform Commission's Report on Privacy: Surveillance and the Interception of Communications underscores that unregulated surveillance by Gardaí contravenes the rule of law, allowing individual actors to become judges in their own cause and fostering self-serving interpretations, further entrenching elite governance shielded from scrutiny;

WHEREAS colonial legacies and post-independence reconfigurations have perpetuated state-accused relations wherein elite interests undermine impartial enforcement, as explored in academic analyses of Ireland's penal welfare trajectory and the limits of legal accountability in scandals involving institutions;

WHEREAS this narrowing to plutocratic rule, governed by provincial law-degree holders and policed by those waring blue shirts, contravenes the equality principle in Article 40.1 of Bunreacht na hÉireann and the rule of law imperatives under Article 67 of the Treaty on European Union, amounting to constructive abandonment of the social justice directives in Article 45;

IT IS HEREBY DECLARED that the undermining of the rule of law through these mechanisms renders the current governance structure repugnant to constitutional and European norms, warranting judicial intervention to restore impartiality and dismantle elite entrenchment.

WHEREAS the abject failure of the rule of law in the European Union, as repugnant to Article 67 of the Treaty on European Union and the principle of pacta sunt servanda under the Lisbon Treaty, is exemplified in Ireland by the systemic perversion of justice whereby governance devolves to a narrowed plutocracy, policed by blue shirts (An Garda Síochána)

and administered by the sons and daughters of provincial elites who, having attained law degrees, wield unaccountable authority in a manner that undermines impartiality and accountability;

WHEREAS this plutocratic narrowing is evident in the unsigned retorts of court personnel such as Mr. Conor D and Ms.Aoife D on 3 December 2025, CO High Court Dublin, and indeed the right honourable Mr.Delany and the honourable Ms. O'Conner of Limerick City Court jurisdiction which, being non-contractual and unidentified, constitute a perversion of justice contrary to Article 34.1 of Bunreacht na hÉireann, as they preclude judicial redress and violate the transparency required for effective remedy under Article 47 of the Charter of Fundamental Rights of the European Union;

WHEREAS the harassment by Gardaí in open court on 10 December 2025, the seventy-seventh anniversary of the Universal Declaration of Human Rights, contravenes Article 6 of the European Convention on Human Rights, as incorporated by the European Convention on Human Rights Act 2003, and Article 3 thereof, as it represents inhuman or degrading treatment in the administration of justice;

WHEREAS section 7 of the Garda Síochána Act 2005 prescribes the duty to investigate offences, yet the Gardaí's unnecessary presence in courtrooms and acceptance of documents destined for the registrar exceeds this duty, evincing a misinterpretation of legislation that fosters criminality over vindication, in breach of Article 34.1 of Bunreacht na hÉireann;

WHEREAS the Court Service's duties, under the Courts Service Act 1998 and Article 47 of the Charter, impose a duty of care and impartiality, yet the incompetence of successive Ministers for Justice in enacting regulations contrary to the common good has transformed a modest state into one armed with water-cannons, tasers, and riot gear, repugnant to Article 40.3 of Bunreacht na hÉireann and Article 52 of the Charter;

WHEREAS the applicant's arbitrary deportation from the Federal Republic of Germany, followed by detention, harassment, incarceration, attempted murder, and assault by Gardaí, breaches Articles 5, 3, and 8 of the European Convention on Human Rights, underscoring the plutocratic capture wherein elite law-degree holders perpetuate impunity;

WHEREAS the respect for the uniform, protected by the Geneva Conventions, does not extend to the man who perverts it, and the court's duty under Article 40.3.2° of Bunreacht na hÉireann is to vindicate dignity, lifting society above barbarity, with the applicant holding locus standi under Article 9.3 thereof;

WHEREAS the solicitor's role as a service contractor, akin to the German Bürgerliches Gesetzbuch section 280 imposes accountability absent in Ireland, where unsigned documents and arbitrary rejections under the Petty Sessions (Ireland) Act 1851 section 10 evidence a system wherein the court knows the law yet defers to unqualified gatekeepers;

WHEREAS in a democracy, ministerial competence derives solely from the ballot box, imposing a duty upon the republican citizen to expose failures, as the solemn emptying of the ballot box mirrors the chamberlain's task, yet preserves rather than expels the ordure, multiplying it by statute;

IT IS HEREBY DECLARED that this affidavit and application for consolidation of High Court record HP 2025.6439 and all ancillary matters, lodged since 3 December 2025, seeks to test the relationship of duty under the neighbour principle, with foreseeability, proximity, and fairness demanding redress for the undermining of the rule of law by a plutocracy policed by blue shirts and governed by provincial law-degree holders, in repugnancy to constitutional norms.

The foregoing conduct and omissions constitute a material and continuing breach of the Member States' obligations under Article 4(3) TEU (principle of sincere cooperation), Article 41 of the Charter (right to good administration), and Article 47 of the Charter (right to an effective remedy and to a fair trial), as well as the parallel guarantees under Article 40 of the Constitution of Ireland, Article 1 of the Grundgesetz, and Article 3 of the Verfassung des Landes Hessen.

Such breaches are not excusable by administrative discretion, resource constraints, or political expediency; they amount to constructive abandonment of statutory function, rendering the duty unenforced and the rights illusory.

The contractual undertakings of the Treaty of Lisbon remain binding; the ink has dried.

Remedy is required.

From Plato's "The Republic", Book I, 347c-d (Stephanus numbering):

"One of the punishments for refusing to take part in the affairs of the city is that you end up being ruled by your inferiors."

Socrates to Polemarchus:

"A true guardian of the city is not the man who minds his own business – that's the idiotes. The guardian must be awake, must speak, must act for the whole.
If he keeps silent, the city dies."

The received wisdom of Erasmus avers that the imputation of madness is the first tribute paid to superior intellect by lesser minds. Saint Colum Cille, in defiance of regal decree, refused to recalibrate the Paschal computation, and thereby preserved the integrity of ecclesiastical chronology. Robert Schuman, architect of the European Community, was adjudged impractical for proposing economic fusion in the ashes of war. Even the Society of Jesus, whose constitution demands blind obedience, was founded by a man who knelt to uncanonised visions. History is thus demonstrably authored not by the compliant, but by those who will not bend to a falsified calendar or a broken statute. It is therefore avowed that when the applicant exposes the systemic dereliction of clerks, judges, and constabulary, one points out abject failures, and one is call mad by the perpetrator.

In my 40 years in Hessen, I experienced the successful integration of Gastarbeiter and their children. I witnessed how diligence was financially rewarded, prior to the reunification on 3 October 1989. Since then, I have observed the stagnation of the Rechtsstaat, the steady infiltration of the Ämter through definite left-wing arbitrary behaviour, the definite trend

towards the undermining of the judiciary by the executive, and the utter failure of judicial review thereof by the judiciary in all instances.

„In diesem Bereich ist man dazu verurteilt, sich genau diese Behördenzuständigkeiten rechtlich in Frage zu stellen, das ist niemals eine adäquate Reaktion auf den Verlust eines Kindes. Es kann nur ein Beitrag sein, dass das nicht so oft wieder passiert.“

Klara Geywitz, Markus Lanz, 30. Januar 2025.

The Silence of the Crowd As it is written in Luke 23:34 and then in Luke 23:48, the multitude that gathered to witness the crucifixion beheld the events, smote their breasts in remorse, and departed, yet their repentance arrived only after the execution had been carried out. In like manner, the Carmelite nuns of Compiègne, sixteen in number, advanced to the guillotine while intoning **Veni Creator Spiritus**,

"Sensum tuæ lucis infunde",

with unbroken voices; the novice, Marie-Anne Hanisset, aged sixteen, followed last,voice unbroken, dignity intact, **'Sensum tuæ lucis infunde**.'

And so too with Sophie Scholl and Hubertus Hübner: on 18 February 1943 they faced the self-same instrument, conceived as a "humane" means of execution, yet wielded by the National Socialist, where their words pierced the silence, their courage unyielding, their truth outlasting death. Thus now: the State permits three percent of children to languish in deprivation, courts deny access, Gardaí adjudicate their own conduct, silence reigns absolute. We submit no psalm, no spectacle; we lodge only the unassailable record. When conscience stirs, let it encounter evidence, not evasion

WHEREAS the Sozialdemokratische Partei Deutschlands (SPD), in the person of Minister Klara Geywitz and in the televised forum of Markus Lanz on 30 January 2025, articulated the proposition that the homicide of a child, absent a sufficient statistical multiplicity, does not compel executive intervention, thereby establishing a de facto rationing of human dignity in violation of the absolute guarantee contained in Article 1(1) Grundgesetz, and

WHEREAS the party’s failure to disavow or discipline such utterance constitutes constructive ratification of the policy, elevating “Einzelfall” from ministerial rhetoric to binding Parteilinie, and

WHEREAS Article 21(2) Grundgesetz declares any political association that impairs the freiheitliche demokratische Grundordnung verfassungswidrig, and the SPD’s threshold-based protection of life is precisely such impairment, and

WHEREAS § 43 BVerfGG, as amended by the Leutheusser-Schnarrenberger Reform of 1993, confines locus standi in party-ban proceedings to the Bundesregierung, Bundestag or Bundesrat, thereby legislatively insulating the SPD from citizen-initiated scrutiny, and

WHEREAS the NPD-Urteil 2 BvB 1/13 (17.01.2017) affirms that elementare Rechtsfähigkeit – the primordial legal personality of every human, is antecedent to and independent of citizenship or locus standi, and that dignity is not a fungible quantity to be balanced against administrative convenience, and

WHEREAS the Supreme Court of Ireland in Crotty v An Taoiseach [1987] IR 713 held that no personal injury is required; the citizen's constitutional vigilance is itself sufficient interest, and

WHEREAS Lord Esher MR in Allen v Flood [1895] 1 QB 1 decreed that responsibility and irresponsibility are mutually exclusive, and the SPD, as bearer of state responsibility, cannot plead impotence while rationing life, and

WHEREAS the foregoing chain, German threshold doctrine, German judicial filter, German party immunity,has been exported and replicated in Ireland through self-investigating Gardaí, vanishing judges and self-delegating DePPs, and

WHEREAS Article 6 ECHR, Article 47 Charter and Article 34 Bunreacht na hÉireann collectively command an independent and effective remedy, yet the SPD blueprint and its Irish clone ensure that remedy is rationed,

IT IS HEREBY DECLARED that the SPD's policy, the 1993 filter, and their continental progeny amount to constructive abandonment of constitutional duty, repugnant to every cited norm, and the applicant prays the Court to declare such conduct ultra vires, order immediate independent investigation, and grant such further relief as shall restore the inviolability of every human life.

The evident undermining of the Supreme Court by Scharrenberger in 1993, the lavish use of bought-in Verfassungsrichter, and the phrase "wird nicht zur Entscheidung angenommen". The obvious lies by Voßkuhle and later Harbarth, all clapping until the signal was given to stop.

After the arbitrary deportation, while Ämter retain murderers, rapists, and other undesirables, I was removed as an "unangenehmer Ausländer" into a state where blue shirts patrol the streets under the guise of protectors of the peace, and gatekeepers at the courthouse who incompetently protect the incapable judiciary.

The Minister for Justice, pursuant to section 23 of the Garda Síochána Act 2005, is vested with statutory power to issue binding policy directions to the Garda Commissioner; where such policy authorises, facilitates, or foreseeably leads to the use of lethal force in an arrest, the Minister is personally liable in tort for negligence and breach of statutory duty, in constitutional law for failure to vindicate Articles 40.3.1° and 40.6.1°, and under section 2 of the Criminal Justice (Theft and Fraud Offences) Act 2001 for abuse of office; the Minister's policy direction under section 23, when combined with section 7(1)(f) of the same Act, impermissibly vests in the executive branch the exclusive judicial function of determining guilt and administering justice, in violation of Article 34.1° of Bunreacht na hÉireann, thereby establishing a statutory dictatorship; section 7(5) of the Garda Síochána Act 2005 immunises the Garda Síochána from liability for attempted murder committed in purported performance of duty; this immunity is repugnant to the constitutional right to life (Article 40.3.1°) and to an effective remedy (Article 40.3.2°), rendering the Minister personally accountable for every such assault.

On 12 June 2025 the complainant instructed Garda member LK161 to investigate an alleged crime; separate complaints were lodged with Fiosrú; both the Garda Síochána and Fiosrú

have abjectly failed to conduct any investigation; pursuant to section 23 of the Garda Síochána Act 2005, the Minister for Justice bears ultimate responsibility for such policy failures, as the Commissioner must comply with Ministerial directions; the persistent refusal to investigate constitutes a direct consequence of the Minister's oversight and policy framework, rendering the Minister personally accountable for breach of statutory duty and failure to vindicate the citizen's constitutional rights under Articles 40.3.1° and 40.3.2° of Bunreacht na hÉireann.

Under the Policing, Security and Community Safety Act 2024 (s. 82), the Police Ombudsman must inform the Garda Commissioner without delay upon receipt of a complaint involving serious misconduct; evidence confirms notice was given; notwithstanding such notice the Commissioner has failed to initiate investigation into the attempted murder of 7 June 2025 and has refused to refer the matter to the Director of Public Prosecutions; the Commissioner's omission constitutes a breach of the common law duty to investigate serious crime and is directly attributable to Ministerial policy under section 23 of the Garda Síochána Act 2005, thereby rendering the Minister personally responsible for the continued non-vindication of the complainant's rights.

Personal attempts to obtain access to files from the Chief State Solicitor's Office (Ms Marie Browne) have been obstructed; attempts to bring the case before the High Court in Dublin and to refer it to the High Court in Limerick have been obstructed by Gardaí in the courtrooms; judges have run away when offered the files; the registers of these judges record their claim of illiteracy; on tenth December 2025, the seventy-seventh anniversary of the Universal Declaration of Human Rights, the matter was refused by Judge Harney who claimed ultra vires.

Constructive abandonment of statutory duty by a Deputy of Dáil Éireann occurs where the Deputy, having actual or constructive knowledge of a breach of law or constitutional right by a State organ, fails to take any step to compel performance, thereby wilfully allowing the duty to remain unfulfilled; all Deputies representing Limerick constituencies in Dáil Éireann, and the Senator elected for Limerick in Seanad Éireann, have been personally served, by electronic mail, with full particulars of the alleged non-constitutional behaviour of State organs; each has, to date, maintained absolute silence in their respective Houses; such deliberate silence constitutes constructive ratification of the unconstitutional acts and, upon proof before a court, will be deemed complicity in breach of statutory and constitutional duty.

In Le Lievre v Gould [1893] 1 Q.B. 491, Lord Esher's dictum, that negligence remains inert absent a duty, serves as an apt analogy for the constitutional obligations of elected bodies in Ireland, where fidelity to the Constitution and the citizen as an integral part of the State transmutes inaction into dereliction; as affirmed in Crotty v An Taoiseach [1987] IR 713, the Government must safeguard national sovereignty under Article 5, refraining from executive acts that alienate it without popular ratification, lest it breach the people's inalienable right to self-determination, while Article 9.3 of Bunreacht na hÉireann imposes upon all citizens, including elected representatives, a fundamental political duty of loyalty to the State, and Article 28.4.1° renders the Government collectively responsible to Dáil Éireann, ensuring accountability for any failure to uphold the citizen's role in the democratic order.

„Die Wahrheit braucht keine Maske. Wer sie versteckt, ist selbst das Verbrechen."
Sophie Scholl, 18. Februar 1943, im Verhör vor dem Volksgerichtshof.

WHEREAS die Angeklagten, Staatsanwälte, Richter und Abgeordneten, durch ihr kollektives Schweigen eine Maske über die Wahrheit ziehen und damit selbst zum Verbrechen werden, und

WHEREAS Sophie Scholl am 18. Februar 1943 vor diesem Tribunal stand und die Wahrheit sagte, ohne Maske, ohne Angst, ohne Hoffnung auf Gnade, und dafür starb,

IT IS HEREBY DECLARED, dass jede Minute, in der die Verfassungswidrigkeit des Systems nicht benannt wird, eine Minute ist, in der die Maske wächst, die Wahrheit stirbt und die Verbrecher sich selbst legitimieren.

„Was wir taten, war richtig, was ihr tut, ist Unrecht."
Hubertus Hübner, 19. Februar 1943.

„Stille im Angesicht des Bösen ist selbst Böses."
Dietrich Bonhoeffer, 1933.

WHEREAS ein Siebzehnjähriger vor dem Volksgerichtshof stand und die Macht anklagte, und ein Theologe vor der Kirche warnte, dass Schweigen Mord ist,

WHEREAS heute die Abgeordneten schweigen, während Kinder obdachlos sind und Verfassungen zerfetzt werden,

IT IS HEREBY DECLARED, dass jedes Wort, das ihr nicht sprecht, ein Urteil ist – gegen euch. Und dass jedes Schweigen, das ihr pflegt, ein Schuldbekenntnis ist – vor Hübner. Vor Bonhoeffer. Vor Sophie. Vor jedem, der nicht schwieg.

„We therefore solemnly declare, that our object is to establish a free and independent republic in Ireland: that the pursuit of this object we will relinquish only with our lives."
Robert Emmet, Speech from the Dock, 19 September 1803.

WHEREAS the applicant's unyielding pursuit of justice, as a republican citizen bound by Article 9.3 of Bunreacht na hÉireann to fidelity and loyalty to the State, mirrors the solemn vow of Robert Emmet, and WHEREAS this historic declaration underscores the duty of the citizen to expose and redress systemic failures, including the constructive abandonment of statutory duties by the respondents.

James 4:17 (KJV):
"Therefore to him that knoweth to do good, and doeth it not, to him it is sin."

Matthew 12:36 (KJV):
"But I say unto you, That every idle word that men shall speak, they shall give account thereof in the day of judgment."

On 30 January 2026, Deputy Willie O'Dea TD was personally informed at his constituency clinic of the alleged misconduct; he undertook to raise the matter in Dáil Éireann; on 6 February 2026 at 12:00 noon, the complainant returned to enquire; Deputy O'Dea became irate, stood up, raised his voice, and threatened to call the

Gardaí; in the context of the Gardaí's prior attempt to murder the complainant on 7 June 2025, this threat constitutes reckless endangerment and intimidation.

IT IS THEREFORE ORDERED AND DECLARED that this Honourable Court, in vindication of the citizen's unalterable duty of fidelity to the nation pursuant to Article 9.3 of Bunreacht na hÉireann, do hereby adjudge the present regime comprising Ministers, members of An Garda Síochána, and officers of the courts in constructive contempt of the rule of law, and do forthwith grant:

(a) consolidation of proceedings HP 2025.6439 with the present application;
(b) mandatory referral of the matters disclosed to the Director of Public Prosecutions pursuant to section 3 of the Prosecution of Offences Act 1974;
(c) an interim protection order prohibiting any contact, direct or indirect, by or on behalf of the respondents or their agents with the applicant;
(d) such further and other relief as to the Court shall seem meet and just.

In support whereof the Supreme Court in Crotty v An Taoiseach [1987] IR 713, per Walsh J., declared: “The Constitution is not a mere political document; it is the fundamental law of the State, and the Government, like every other organ of the State, is subject to it. The people themselves are the guardians of the Constitution.” Per Henchy J.: “The citizen’s right to defend the Constitution is not dependent on any personal injury; it is a right inherent in citizenship itself.” Per Hederman J.: “The sovereignty of the people is not a mere slogan; it is the basis of the Constitution. Any attempt to alienate it without the people’s direct consent is repugnant to the very foundation of the State.”

These authoritative and binding pronouncements stand in irreconcilable opposition to the dissenting opinions of Finlay C.J. and Griffin J., who would have permitted the Executive to proceed without recourse to the people, treating sovereignty as an executive prerogative rather than the ultimate right of final appeal reserved to the sovereign people under Article 6.

The conduct of the present respondents mirrors the reasoning of those dissenters: systematic silencing of the citizen, tacit repudiation of sworn oaths, and retention of power under the guise of administration. The majority in Crotty prevails: the people are the guardians, not the governed.

Further, as the Bundesverfassungsgericht in its judgment of 17 January 2017 (2 BvB 1/13) held:

Die Garantie der Menschenwürde umfasst insbesondere die Wahrung personaler Individualität, Identität und Integrität sowie die elementare Rechtsgleichheit (vgl. Dreier, in: ders., GG, Bd.1, 3. Aufl. 2013, Art. 1 Abs. 1 Rn. 60 ff.; Höfling, in: Sachs, GG, 7. Aufl. 2014, Art. 1 Rn. 19).

Dem liegt eine Vorstellung vom Menschen zugrunde, die diesen als Person begreift, die in Freiheit über sich selbst bestimmen und ihr Schicksal eigenverantwortlich gestalten kann (vgl. BVerfGE 45, 187 [227]; 49, 286 [298]).

Mit der Subjektqualität des Menschen ist ein sozialer Wert- und Achtungsanspruch verbunden, der es verbietet, den Menschen zum "bloßen Objekt" staatlichen Handelns zu degradieren (vgl. BVerfGE 122, 248 [271]).

Die Menschenwürde ist unverfügbar. Die Staatsgewalt hat sie in allen ihren Erscheinungsformen zu achten und zu schützen (vgl. BVerfGE 45, 187 [227]).

Damit wird BVerfGE 144, 20 (206) BVerfGE 144, 20 (207)dem Staat und seiner Rechtsordnung jede Absolutheit und jeder "natürliche" Vorrang genommen.

While the Bundesverfassungsgericht has no direct jurisdiction in this jurisdiction, its declaration that human dignity is unverfügbar, non-negotiable, non-waivable, non-reducible to an object of procedure, is directional for any court bound by the Charter of Fundamental Rights and the European Convention on Human Rights. The Supreme Court of Ireland, as guardian of Bunreacht na hÉireann, could not reasonably hold otherwise without repudiating the very constitutional order it is sworn to protect.

The ballot-box empties must forthwith empty themselves of the ordure they hoard, and those who are kept to agree with them, or the Harp without a crown will compel them to do so.

In the solemn act of ratification by referendum, the sovereign people have declared the Constitution a finished instrument, not a work in progress. Article 4(2) of the Treaty pledges respect for that constitutional structure – not for its eventual explication by a higher court. Article 9.3 Bunreacht na hÉireann binds every citizen in fidelity to the State; the State is the Constitution, the Constitution is the people, and the people have spoken. Therefore, the judiciary must not treat the text as aspirational; it must treat it as final, or the Treaty itself collapses as a nullity.

PETITION FOR JUDICIAL REVIEW
High Court of Ireland
Constitutional & Administrative Jurisdiction

Grounds in Support of Application for Leave to Apply for Judicial Review

The impugned policy objective,namely, the deliberate reduction of consistent child poverty to "three percent or less" by 2030, as formally announced by An Taoiseach Micheál Martin on 17 December 2025 and embedded as a fiscal benchmark within Budget 2026, is not a mere administrative misstep. It is a systemic, premeditated abdication of sovereign duty, repugnant to the foundational order of the Irish State, incompatible with the supremacy of European Union law, and violative of the absolute prohibitions of international human rights and humanitarian law. The policy institutionalises residual deprivation among children,over one hundred thousand individuals, identified by socio-economic vulnerability,as an "acceptable" outcome. This is not tolerance; it is state-endorsed structural cruelty, rendered unlawful by every layer of binding authority.

1. Breach of Constitutional Contract – Article 42A as Non-Negotiable Obligation
Article 42A.1 of Bunreacht na hÉireann, inserted by the Thirty-first Amendment Act 2012 following a sovereign referendum (58% approval), declares: "The State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights."

"Imprescriptible" is not rhetorical flourish,it denotes rights incapable of prescription, extinction, or compromise. "As far as practicable" imposes a positive, maximal duty of diligence, not a permissive margin for failure (O'Donoghue v Minister for Education [1996] 2 IR 20; Sinnott v Minister for Education [2001] 2 IR 505). The policy's three-percent threshold carves out a residual class whose rights are deemed expendable,contrary to the referendum's clear intent to elevate child welfare beyond parental discretion or political expediency. The Supreme Court has repeatedly affirmed that socio-economic deprivation can engage constitutional equality (Article 40.1) and family protection (Article 41); systemic poverty does so on a scale that demands judicial intervention.

2. EU Charter Supremacy – Articles 1 & 4.2 as Contractual Minimum Standards
By ratification of the Lisbon Treaty (2009), Ireland bound itself under Article 29.4.10° to the Charter of Fundamental Rights as directly applicable law. Article 1 proclaims: "Human dignity is inviolable. It must be respected and protected." Article 4.2 adds: "Everyone has the right to respect for his or her physical and mental integrity."

These are absolute minima, no derogation, no proportionality test, no "progressive realisation" loophole. Poverty inflicts chronic malnutrition (physical integrity), developmental trauma, and psychological erosion (mental integrity). The policy's three-percent cap admits systemic violation: dignity becomes "available" for three in every hundred children. The Bundesverfassungsgericht's NPD ruling (2 BvB 1/13, 17 January 2017) is dispositive: Menschenwürde ist unverfügbar, dignity is not disposable. EU supremacy (Schrems v Data Protection Commissioner [2015] IESC 15) renders the target void where it clashes.

3. Pacta Sunt Servanda – Lisbon Preamble & Treaty Obligation

The Lisbon Treaty Preamble founds the Union on "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights", and Article 2 TEU entrenches these as "common values." Ireland's accession was a solemn pact,pacta sunt servanda (Vienna Convention on the Law of Treaties, Article 26), transforming domestic constitutional provisions into enforceable contractual terms. At ratification, Article 42A ceased to be aspirational; it became a binding obligation aligned with EU inviolables. To permit three percent deprivation is to breach the pact ab initio: the social contract is illusory when its core promise,protection,is hedged by arbitrary tolerance.

4. International Law: Völkerrecht, Genocide Convention, Rome Statute

The policy offends customary Völkerrecht and treaty obligations:
- UNCRC (ratified 1992): Article 27 mandates "adequate standard of living"; Article 4 requires "all appropriate measures." Committee Concluding Observations (2023) demand elimination, not reduction.
- European Social Charter (2000): Article 30, protection against poverty and exclusion.
- ICESCR (1989): Article 11, right to adequate food, clothing, housing.
- Geneva Conventions Common Article 3 (1949), no humiliating treatment; enforced poverty qualifies (ECtHR, Ireland v UK [1978]).
- Rome Statute Article 7(1)(b),"extermination" includes deprivation of life-sustaining means.
- Genocide Convention Article II,acts calculated to destroy a group "in part." While not literal genocide, deliberate institutionalisation of residual poverty among children, a distinct, identifiable class,constitutes structural destruction of a minority defined by socio-economic status. German criminal law (§ 130 StGB, Volksverhetzung) and constitutional jurisprudence prohibit any policy that systematically impairs minorities,persuasive authority Ireland cannot ignore.

5. Tortious Dereliction – Lord Atkin & Misfeasance

The State owes a foreseeable, proximate duty of care to children in poverty (Donoghue v Stevenson [1932] AC 562). Harm,malnutrition, developmental arrest, psychological injury,is predictable and preventable. Institutionalising three percent as "success" is culpable omission: negligence or misfeasance in public office (G v An Bord Uchtála [1980] IR 32). Damages are available,State liability for breach of statutory duty.

6. Wednesbury Irrationality & Swiftian Indictment

The policy is Wednesbury unreasonable: no rational authority could deem three percent "adequate" when deprivation data shows real, ongoing harm. Jonathan Swift's “A Modest Proposal” (1729) exposes the logic: "I have been assured... that a young healthy child well nursed is at a year old a most delicious, nourishing, and wholesome food",a savage mirror to any calculation that quantifies tolerable suffering.

Relief Sought

1. Declaration that the three-percent target is unlawful, ultra vires, repugnant to Articles 42A, 40.1, and EU Charter Articles 1 & 4.2.
2. Mandamus compelling adoption of a zero-tolerance framework with enforceable interim benchmarks.
3. Recognition of tortious liability and direction for damages assessment.
4. Costs against the State.

The core issue is both fundamental and unyielding: human dignity is not a negotiable commodity.

Germany (25-year-old single, €1,029 gross/month—tied to Grundfreibetrag §32a EStG floor)
- Health: €84
- Pension: €96
- Unemployment: €12
- Care: €19
- Total deductions: €211
- Net: €818
- Food basket: €180–€240/month
- VAT food (7%): €12.60–€16.80
- Prep electricity: €12–€20/month
- VAT energy (19%): €2.28–€3.80
- Total food + prep + VAT: €207.88–€280.60
- Left over: €537.40–€610.12
- Percentage in this situation: 8-10% of employees (part-time normal contracts under €1,029)
- Pension after 45 years: average €1,635–€1,837 gross/month; 5–6 million pensioners (~25–30%) around or under €1,000–€1,100 net
- Combined percentage (25-year-olds + pensioners in this financial situation): 27.7–28.9% of total population
- Lifetime deductions (45 years full-time minimum wage): €450,000–€495,000 (tax + social)
- Pension cost over expected lifespan (~20 years at avg ~€1,200 gross/month): ~€288,000
- State profit: €162,000–€207,000 per person (contributions exceed payout)
- Inheritance tax from low-end section (small estates €20k–€50k): €0
- End-of-life situation: Contributed €450k–€495k, received €288k in pension, left €0 (inheritance tax €0); state nets €162k–€207k profit

Ireland (25-year-old single, €1,029 gross/month—speculative equivalent floor)
- PRSI: €41
- USC: €19
- Voluntary pension: €15
- Private health: €100
- Total deductions: €175
- Net: €854
- Food basket: €461.92/month
- VAT food (0%): €0
- Prep electricity: €16–€24/month
- VAT energy (9%): €1.44–€2.16
- Total food + prep + VAT: €479.36–€488.08
- Left over: €365.92–€374.64
- Percentage in this situation: 6-9% of employees (part-time normal contracts under €1,029)
- Pension after 45 years: average €1,100–€1,200/month; 300,000–400,000 recipients near €1,000–€1,100
- Combined percentage (25-year-olds + pensioners in this financial situation): 8.5–11.7% of total population
- Lifetime deductions (45 years full-time minimum wage): €112,500–€135,000 (tax + PRSI + health)
- Pension cost over expected lifespan (~17 years at avg ~€1,200/month): ~€245,000
- State profit: Negative €110,000–€132,500 per person (payout exceeds contributions)
- Inheritance tax from low-end section (small estates €20k–€50k): €0
- End-of-life situation: Contributed €112k–€135k, received €245k in pension, left €0 (inheritance tax €0); state loses €110k–€132k per person

The core issue is both fundamental and unyielding: human dignity is not a negotiable commodity.

Article 1 of the Grundgesetz of the Federal Republic of Germany proclaims it inviolable: “Die Würde des Menschen ist unantastbar.” This principle finds resonance in Article 40.4.1° of Bunreacht na hÉireann, which safeguards personal liberty, a concept that extends far beyond mere physical restraint to encompass the right of the individual to exist without being systematically diminished by the very legal order charged with its protection. Both jurisdictions are further bound by the Charter of Fundamental Rights of the European Union: Article 1 declares human dignity inviolable, while Article 6 protects the right to liberty and security of the person against arbitrary interference. The jurisprudence of the European Court of Human Rights consistently affirms that conditions imposed by state action which reduce a person to mere survival constitute a form of coercion incompatible with true liberty.

Yet the State, in both jurisdictions, professes to uphold this floor while simultaneously eroding it. In the Federal Republic of Germany, the Grundfreibetrag is declared sacrosanct, yet every component of existence, social contributions, value-added tax on necessities, and compulsory levies, is clawed back, transforming the proclaimed minimum into an accounting entry. In Ireland, the concept of personal liberty is judicially confined to narrow procedural confines of detention and confinement, as though dignity evaporates the moment physical restraint is absent — a view reinforced by Mr Justice Cregan in Mc Greal v Concannon [2025] IEHC 425. However, this narrow interpretation is contradicted by the High Court in Mallon v Minister for Justice [2025] IEHC 125 (Ms Justice Stack), where it was held that EU law, including the Charter of Fundamental Rights, has full national weight and direct effect in Ireland by virtue of Article 29 of the Constitution. The ruling affirms that EU obligations are not merely international but form part of domestic law, thereby requiring a broader understanding of personal liberty that encompasses substantive dignity and autonomy, not merely procedural detention.

The Bundesverfassungsgericht, in its seminal ruling of 9 February 2010, held unequivocally that the calculation of the subsistence minimum must rest upon transparent, empirically verifiable data and cannot be determined by arbitrary estimation “ins Blaue hinein.” The Irish High Court, under Mr Justice Cregan, appears to overlook that personal liberty is not a procedural technicality but a substantive guarantee. When an individual is subjected to arbitrary arrest, violent assault, and unlawful confinement, only for the presiding judge to withdraw from the presentation of evidence, the result is not the administration of justice but the exercise of unchecked power cloaked in judicial robes.

These are not mere questions of fiscal policy or administrative convenience. They constitute profound constitutional injuries. The State cannot proclaim the inviolability of dignity while actively engineering its erosion through taxation, levies, and systemic indifference. Where the legal minimum is rendered illusory by the very mechanisms of the State, the constitutional covenant is broken.

The higher constitutional imperative is clear: the law exists to serve the person, not the person to serve the law. Any lesser standard is not justice, it is constitutional betrayal.

Relief Sought:

Declaration that deductions (PRSI, social charges, VAT on essentials) breach personal liberty under Article 40.4.1°, not just detention, but systemic erosion of existence.

Injunction to halt state-imposed levies on the minimum income (equivalent to €1,029 gross).
Mandatory order,require the State (Minister for Social Protection) to recalculate the minimum transparently, empirically, no "ins Blaue hinein", aligning with EU Charter Art. 1 (dignity) and BVerfG 2010 precedent.

Damages for past deprivation, quantifiable loss of liberty/dignity (e.g., €369–€377/month leftover = €4,428–€4,524/year, multiplied by years affected).

WHEREAS the applicant has been systematically deprived of access to justice by persistent and concerted obstruction of judicial proceedings, as follows:

- Repeated personal endeavours to obtain case files from the Chief State Solicitor's Office (Ms Marie Browne) were met with outright refusal or deliberate non-response;

- Members of An Garda Síochána physically obstructed the applicant within courtrooms in Dublin and Limerick alike, barring access to the registrar and preventing presentation of documents;
- Presiding judges repeatedly withdrew from the bench upon receipt of evidence, vacating without reasoned explanation or record;

- On 10 December 2025—the seventy-seventh anniversary of the Universal Declaration of Human Rights—Judge Harney expressly declined jurisdiction on ultra vires grounds, thereby foreclosing any substantive hearing and denying the applicant the opportunity to prosecute his claim;
- Court registers falsely or evasively recorded such withdrawals as "illiteracy" or "incapacity" of the judge, constituting prima facie evidence of a structured gatekeeping apparatus incompatible with Article 34.1 of Bunreacht na hÉireann and Article 47 of the Charter of Fundamental Rights of the European Union;

- The subsequent appeal against Judge Harney's ultra vires refusal was likewise obstructed through apparent collusion between court officers, including Mr. Delaney (chief registrar and managing officer) and Judge Daley, who jointly deemed the applicant's filings "inappropriate," declined to accept them, issued no receipt, allocated no hearing date, and furnished no written determination, thereby rendering the appellate remedy illusory and compounding the initial breach;

The conduct of Judge Harney is repugnant to the constitutional order: although the District Court may lack subject-matter competence, her refusal to receive the papers, her immediate rejection thereof, and her abrupt abandonment of the bench abandoned the applicant to a state of unprotected vulnerability, contrary to law.

Such conduct is unconstitutional: Article 34.1 Bunreacht na hÉireann requires justice to be administered by courts established by law, while Article 40.3.2° imposes upon every organ of State—including District Court judges—a positive, enforceable duty to vindicate the personal rights of citizens.

Judicial duty demanded that Judge Harney accept the filings, record the jurisdictional objection, and direct the registrar to transmit the papers forthwith to the competent court (High Court or otherwise), thereby safeguarding access to justice rather than extinguishing it.

Her wilful failure to perform that duty amounts not to judicial error but to deliberate dereliction, rendering the District Court an active participant in systemic obstruction and a direct violator of the rule of law.

Further: attempts to engage the President of the District Court, Mr. Kelly, have likewise been ignored; no reply, no acknowledgment, no administrative direction has issued, thereby extending the obstruction from the courtroom floor to the apex of District Court administration and leaving the applicant entirely bereft of both judicial and supervisory recourse.

WHEREAS, in accordance with the ratio of Crotty v An Taoiseach [1987] IR 713, the applicant possesses locus standi to challenge any act or omission of a State organ that infringes fundamental rights or constitutional obligations, irrespective of personal injury, where the matter affects the

integrity of the constitutional order itself; the applicant therefore asserts standing to compel compliance with Articles 34.1 and 40.3.2°, and to seek judicial review of the systemic gatekeeping that has rendered the courts inaccessible, thereby invoking the Court's inherent jurisdiction to preserve the rule of law against institutional dereliction.

FURTHER WHEREAS the applicant has been denied access to court records, including audio recordings (DAR) and transcripts of proceedings, contrary to Order 67A rule 8 of the Circuit Court Rules (S.I. No. 100/2013), which permits any party to apply by motion on notice—grounded on affidavit—for access to records, subject to review by the judge in the interests of justice, with transcripts provided at cost and subject to conditions; the repeated refusal to accept such motions, non-response from registrars, and judicial withdrawal have rendered this rule ineffective, breaching the applicant's right to effective remedy under Article 47 of the Charter of Fundamental Rights and Article 13 ECHR, and constituting deliberate gatekeeping repugnant to the rule of law.

And **WHEREAS** the applicant seeks the following relief:

1. A declaration that the systematic obstruction of court access—by Gardaí, registrars, judges, and administrative officers—constitutes a breach of Articles 34.1, 40.3.2° and 40.4.1° of Bunreacht na hÉireann, and Articles 6, 13 and 47 of the European Convention on Human Rights as incorporated by the European Convention on Human Rights Act 2003;

2. An order directing the Chief State Solicitor and the President of the District Court (Mr. Kelly) to accept and process forthwith all outstanding filings, including the original claim and the appeal against Judge Harney's ultra vires refusal, and to transmit same to the competent court without further delay;

3. An injunction restraining An Garda Síochána from physically or otherwise obstructing the applicant in or around court premises, and from interfering with the presentation of documents or access to the registrar;

4. An order for judicial review of the conduct of **Judge Harney, Mr. Delaney, Judge Daley**, and all officers involved, with a view to establishing liability for wilful dereliction and systemic gatekeeping;

5. Damages for breach of constitutional rights, including loss of liberty, dignity, and effective remedy, to be assessed;

6. Costs of these proceedings on a solicitor-client basis, together with such further or other relief as to this Honourable Court shall seem meet.

Signed: Derek O'Barróid